

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

POINT BLANK BODY ARMOR, INC.

Plaintiff,

v.

ALLEN PRICE,
JOSEPH KRUMMEL, and
JAMES MURRAY

Defendants.

Civil Action No. MJG 01 CV 3256

ALLEN PRICE,
JOSEPH KRUMMEL, and
JAMES MURRAY

Counter-plaintiffs,

v.

POINT BLANK BODY ARMOR, INC.

Counter-defendant.

PROFFER

Defendants and Counter-Plaintiffs, by their undersigned attorneys and in light of the Court's ruling on Point Blank's motion in limine, hereby proffer that, but for that ruling, they would have sought to introduce at trial the following evidence in support of their claim, pursuant to MD CODE ANN. COM. LAW §11-1204(1) (1989), that Point Blank's earlier claims of trade secret misappropriation were brought and maintained in bad faith, and that Defendants and Counter-Plaintiffs were entitled to receive from Point Blank the attorneys' fees and expenses incurred in the defense of those claims:

1. Deposition of Sandra Hatfield as Corporate Designee for Point Blank Body Armor, Inc.,
taken July 24, 2002:

Page 28, line 15 through page 29, line 10
Page 31, lines 3 through 9
Page 89, line 7 through page 90, line 12
Page 203, line 6 through page 204, line 13
Page 210, line 12 through page 211, line 6
Page 217, line 14 through page 219, line 10
Page 220, line 1 through page 220, line 21
Page 222, line 18 through page 223, line 11
Page 224, line 21 through page 226, line 13
Page 239, line 5 through page 240, line 8
Page 241, lines 3 through 10
Page 244, line 4 through page 246, line 9
Page 247, lines 8 through 21
Page 250, lines 7 through 18
Page 252, lines 1 through 14
Page 268, line 10 through page 270, line 7
Page 272, line 5 through page 273, line 8
Page 379, line 19 through page 382, line 15
Page 281, lines 6 through 13
Page 282, line 16 through page 282, line 10
Page 290, line 8 through page 304, line 7
Page 304, line 20 through page 312, line 1
Page 312, lines 10 through 16
Page 318, line 6 through page 319, line 18
Page 320, line 17 through page 321, line 6
Page 322, line 6 through page 326, page 5
Page 329, line 20 through page 330, line 4
Page 330, lines 5 through 19
Page 331, line 12 through page 334, line 5
Page 339, line 6 through page 341, line 7
Page 342, line 5 through page 345, line 1
Page 346, line 10 through page 348, line 6
Page 352, line 18 through page 353, line 2
Page 356, lines 6 through 13
Page 360, line 5 through page 361, line 3
Page 364, line 21 through page 365, line 19
Page 376, line 10 through page 377, line 6
Page 400, line 16 through page 403, line 4

2. Testimony of Defendants and Counter-Plaintiffs Allen L. Price, Joseph Krummel, and James W. Murray as to their knowledge and use of specific fibers, including Twaron, Kevlar, Spectra, Dyneema and Zylon and fabrics employing such fibers, used in ballistic design prior to their employment with Point Blank.

3. Testimony of Terrence Butryn of Barrday, Inc., consistent with his earlier submitted affidavit, that certain Barrday products Point Blank claimed as its trade secrets, including Twaron and Spectra Argus, are available to the other body armor manufacturers and that such facts were readily ascertainable by Point Blank.

4. The following Exhibits, each of which had been submitted by Defendants and Counter-Plaintiffs in the pretrial order submitted June 23, 2003:

1. Point Blank Complaint
2. Point Blank Body Armor, Inc.'s Answers to Defendants' Interrogatories
3. Barrday, Inc. Memorandum re Argus® (Exhibit to August 12, 2002 Affidavit of Terry Butryn)
4. Point Blank vest submitted in support of Defendants' motion for summary judgment
5. Screen shots from E-Bay® Internet auction site listing Point Blank vests for sale to public
6. Krummel "R&D" Sheets (Hatfield Deposition Exhibit 31)
7. Complaint and Demand for Jury Trial in American Body Armor & Equipment, Inc. v. Protective Apparel Corporation of America, U.S.D.C. M.D. Florida
8. Answer of Defendant Protective Apparel Corporation of America American Body Armor & Equipment, Inc. v. Protective Apparel Corporation of America, U.S.D.C. M.D. Florida

Respectfully submitted,

Dated: July 15, 2003

/s/
Robert S. Brennen (04499)
William M. Krulak, Jr. (26452)
MILES & STOCKBRIDGE P.C.
10 Light Street
Baltimore, Maryland 21202
(410) 727-6464
(410) 385-3700 (FAX)

Attorneys for Defendants and Counter-plaintiffs
Allen Price, Joseph Krummel and James Murray